THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.1 OF 1999

DATED 02-09-2005.

Between:

A.C.Venkat Reddy,

S/o A.Thirupathaiah, Aged 37 years,

R/o Ongole, Prakasam Distirct

.... Petitioner

And

A.P.Schedule Caste Co-operative

Finance Corporation Ltd., rep. by

Managing Director, Telugu Samkshema Bhavan,

Masab Tank, Hyderabad.

.... Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.1 OF 1999.

ORDER:

This writ petition is filed, challenging the order dated 23-12-1998 in proceedings No.A2/6243/APSC/98, issued by the Managing Director, A.P.Scheduled Caste Cooperative Finance Corporation Limited.

By the impugned order, the petitioner, who was working as Assistant

Engineer in District Schedule Caste Cooperative Society Limited, Prakasham District, is transferred along with the post to the unit of Adilabad.

At the stage of admission, this Court has suspended the impugned order, by order dated 5-1-1999, and, the said order continued all along.

It is submitted by Sri C.V.Nagarjuna Reddy, the learned counsel for the petitioner, that the petitioner is appointed to the unit of Prakasam, and, this impugned order, transferring him along with the post, beyond the unit, is illegal. The learned counsel relied on the Memo.No.267/SCP.II/85-3, dated 12-9-1985 issued by the Government.

When this Writ Petition was listed for hearing on 19-4-1999, there was no representation. Even today also, there is no representation on behalf of the respondents.

A perusal of the appointment order shows that the petitioner was appointed in the District Unit. Clauses 4 and 5 of the Memo dated 12-9-1985 also support the case of the petitioner. In the impugned memo, while authorizing the District Collector to appoint the engineering staff, it is stated, the staff appointed shall form part of the district schedule caste society. In that view of the matter, there is no valid reason to transfer the petitioner along with the post, outside the unit of District. For the foregoing reasons, the impugned order is liable to set aside. Accordingly, the impugned order dated 23-12-1998 issued in proceedings No.A2/6243/APSC/98 is hereby set-aside.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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JUSTICE R.SUBHASH REDDY

DATED:02-09-2005.

Lrkm/Msnr..